

#384
BILL NO. G-89-02-10

GENERAL ORDINANCE NO. G-89-04-89

AN ORDINANCE AMENDING CHAPTER 33 OF THE
MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA.

WHEREAS, the City of Fort Wayne has adopted Chapter 33
of the Municipal Code regarding the use of buildings,
structures and land within the City, and,

WHEREAS, a proposed amendment as herein set out has
been made.

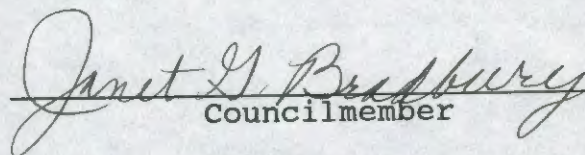
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 33-14 O (2) shall be amended to add
a subsection which shall read:

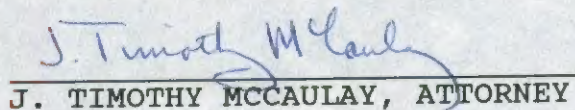
q. Day Care Centers, providing that such use is
clearly ancillary to the Professional Office District, and
does not detract from or alter the character of the overall
development.

SECTION 2. All other items and provisions of Chapter
33 of the Municipal Code are hereby ratified and affirmed.

SECTION 3. This Ordinance shall be in full force and
effect from and after its passage and signing by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock P., M., E.S.T.

DATE: 2-14-89.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 3-27-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 5-04-89 on the 27th day of March, 1989.

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of March, 1989, at the hour of 2:15 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day of April, 1989, at the hour of 4:15 o'clock P., M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

- a. Amendment to Section 33-14 O (2) of the Municipal Code, adding Day Care Center as an ancillary use in a Professional Office District.

Greg Purcell, Director of Community Development & Planning stated that this amendment is in regard to the Planned Office Districts and specifically with regard to Day Care Center. He stated that basically this item comes up by virtue of a prior decision that staff made in consultation with Plan Commission's attorney, that Day Care Center's are an allowable use in the Planned Office District. He stated that staff felt this is an appropriate interpretation of the ordinance. It is however a new interpretation, and he felt it was one that is consistent with what we find in the marketplace today, where we often have two income households and day care is a service that is frequently needed and providing it at the office is often something that is not only convenient but very marketable. He stated that with the new interpretation the staff suggested that it would be appropriate to amend the ordinance to make a day care center as an ancillary use only in the Planned Office District area to prevent that interpretation from establishing a situation where we would have the day care center as the primary or perhaps only use in a Planned Office District area. He stated that by the Commission's recommendation and Council's approval, it would allow it in a POD only when it is ancillary to the overall purpose of the office district.

Yvonne Stam questioned if the term Day Care Center was specifically defined somewhere else in the ordinance so that there would not be any confusion between the kind of center that I suppose we are talking about as opposed to Aboite Child Care or Kinder Care, as opposed to a day care home.

Greg Purcell stated there is a distinction between a day care center and a day care home.

Wayne O'Brien stated that both terms are defined. He stated that they are defined based on the number of children that are not related to the operator and also whether or not the operator has an assistant. He stated that they do require State certification.

John Shoaff questioned if the staff had discussed other types of ancillary uses that maybe should be incorporated into the Professional Office District.

Greg Purcell stated that they have not gone into detail but if the Commission had some interest in that area the staff certainly could do more exploration on the subject.

John Shoaff stated that his reaction was that maybe there should be a little more flexibility built in so that these things could develop.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendment.



MEMORANDUM

TO: Plan Commission Members

FROM: Greg Purcell, Director, Community Development
and Planning

SUBJECT: Amendment to the POD District to Allow Day Care
Centers as an Ancillary Use

DATE: June 15, 1988

Attached for your consideration is a draft of an ordinance amending the POD zoning district to allow day care centers as an ancillary use. In consultation with our legal counsel, we determined in a recent development plan (Case #88-17), that a day care center is an eligible use under the Purpose section of the ordinance. While this is a new and somewhat unique case, I think this interpretation is consistent with the changes in society today with two-income households needing day care service which is often more conveniently provided within an office complex setting.

To avoid a future proposal that a day care center could be the primary use in a POD district, we are recommending the adoption of the attached ordinance amendment which clearly states that a day care center is a permitted use, "...providing that such use is clearly ancillary to the Professional Office District, and does not detract from or alter the character of the overall development."

We hope the Plan Commission will approve the proposal as drafted, as such language would limit possible confusion and set guidelines for development. CD&P staff will be happy to answer any questions you might have about the proposed ordinance amendment at the public hearing.

GP/sjh

Attachment

FACT SHEET

G-89-02-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

N/A

Reason for Project

Clears up the confusion as to the status of Day Care Centers in Professional Office Districts.

Discussion (Including relationship to other Council actions)20 June 1988 - Public Hearing

(See Attach Minutes of Meeting)

27 June 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**Community & Economic
Development
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 10 June 1988

Projected Completion or Occupancy

Date 23 February 1989

Fact Sheet Prepared by

Date 23 February 1989

Patricia Biancaniello

Reviewed by

Date

Feb. 23, 1989

Reference or Case Number

*384

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Day Care Centers are a permitted use in a P.O.D., but clarifies that they must be ancillary uses only.

B-89-82-10

EFFECT OF PASSAGE Clears up confusion as to the status of Day Care Centers in P.O.D.

EFFECT OF NON-PASSAGE Uses will still be permitted, but could end up being a primary use within the development, which could change the overall character of the intent of the ordinance.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Hold
mch 3-27-
1 mch

BILL NO. G-89-02-10

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

*important
intent
ancillary
rather than
primary use*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) AMENDING CHAPTER 33
OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~) Do Pass

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<i>Janet G. Bradbury</i>			
<i>David C. Long</i>			
<i>Samuel J. Talarico</i>			

DATED: 3-27-89

Sandra E. Kennedy
City Clerk